

AN ACT

relating to the extraterritorial jurisdiction of certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.022, Local Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The expansion of the extraterritorial jurisdiction of a municipality through annexation, request, or increase in the number of inhabitants may not include any area in the existing extraterritorial jurisdiction of another municipality, except as provided by Subsection (d).

(d) The extraterritorial jurisdiction of a municipality may be expanded through annexation to include area that on the date of annexation is located in the extraterritorial jurisdiction of another municipality if a written agreement between the municipalities in effect on the date of annexation allocates the area to the extraterritorial jurisdiction of the annexing municipality.

SECTION 2. Section 42.023, Local Government Code, is amended to read as follows:

Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION. The extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its

1 written consent by ordinance or resolution, except:

2 (1) in cases of judicial apportionment of overlapping
3 extraterritorial jurisdictions under Section 42.901; or

4 (2) in accordance with an agreement under Section
5 42.022(d).

6 SECTION 3. Subchapter B, Chapter 42, Local Government Code,
7 is amended by adding Section 42.0251 to read as follows:

8 Sec. 42.0251. RELEASE OF EXTRATERRITORIAL JURISDICTION BY
9 CERTAIN GENERAL-LAW MUNICIPALITIES. (a) This section applies only
10 to a general-law municipality:

11 (1) that has a population of less than 3,000;

12 (2) that is located in a county with a population of
13 more than 500,000 that is adjacent to a county with a population of
14 more than four million; and

15 (3) in which at least two-thirds of the residents
16 reside within a gated community.

17 (b) A municipality shall release an area from its
18 extraterritorial jurisdiction not later than the 10th day after the
19 date the municipality receives a petition requesting that the area
20 be released that is signed by at least 80 percent of the owners of
21 real property located in the area requesting release.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2011.

H.B. No. 2902

David Dewhurst

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 2902 was passed by the House on May 4, 2011, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 2902 was passed by the Senate on May 23, 2011, by the following vote: Yeas 30, Nays 0.

Daisy Gao

Secretary of the Senate

APPROVED:

17 JUN '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4:00 pm O'CLOCK

JUN 17 2011

Hope Radtke

Secretary of State